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## PROOF OF HANDWRITING

a law, amended however, as to not authorize a witness to be subpoenaed by telephone or telegraph. This section recommends that this law be amended to authorize such service. It should be done. Since this law was passed, as district judge, I have experimented with the procedure by ordering jurors summoned by telephone, by mail, ordinary and registered, with equal success. I have found but one juror who declined to obey the summons by mail, and I hardly think he will do so again. In my district witnesses in both criminal and civil cases are served by telephone, and they promptly obey the service."

**The Admission of Proved Handwriting as Testimony.**—In a communication from Hon. Marcellus L. Temple, United States Attorney for the Southern District of Iowa, a point is made which I had not before considered and that is that more lawyers are interested in limiting the powers of the prosecution than in extending them. Mr. Temple says: "You know, these matters in Congress are usually controlled by the lawyers in the delegation and lawyers are, as a rule, conservative. Too many of them are interested in the defense of that class of cases and are very slow to support any law that will give the prosecution any greater latitude than they have had heretofore. That question I have found to be a very important one, but I trust that influence will be brought to bear to procure this much-needed legislation."

It is a humiliating fact that England passed this proposed law fifty-seven years ago and that our country, which we think so progressive, has not yet been able to do it.

ALBERT S. OSBORN. New York City.

**The Unreliability of Handwriting Expert Testimony.**—"A miscarriage of justice caused President Taft to-day (January 19) to grant a full and unconditional pardon to Oscar Krueger of New York, who had served nearly one year of an eighteen months' sentence in the Atlanta prison for a crime he did not commit. Expert (?) handwriting testimony, it was said, was responsible for his conviction on a charge of mailing an obscene letter. An exhaustive investigation by the Department of Justice established Krueger's complete innocence."

Expert testimony in the matter of handwriting is a matter of mere "deduction" and the testimony concerning handwriting can never be accepted by the courts as an exact science. The expert merely examines specimens of the handwriting of the accused, and makes a few comparisons, and his inferences are venal, that is, he will state what the government or defense may desire. This testimony is for sale to the government or defense, and expert handwriting testimony can always be procured if the party desiring it is able to meet the terms of the expert. It is pretty near time that the courts should put a stop to depriving a citizen of his liberty upon the mere guesses of "professional witnesses for hire."

JOSEPH MATTHEW SULLIVAN, Boston.

**Proof of Handwriting.**—In an article under this title in the December, 1911, number of the *Illinois Law Review*, Albert S. Osborn, well known as the author of "Questioned Documents," discusses the rule of evidence which does not permit the introduction of specimens of a person's handwriting solely for the purpose of comparison with the writing in dispute. This rule has been changed in many of the states but still obtains in some. However suited this